IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11850 of 2005

Between:

1 K.Satyanarayana, S/o.Tirupthiramudu,
R/o.Kesavarapadu (v), Karamchedu (M), Prakasam District.
2 S.Eswaramma, S/o.Lakshminarayana,
R/o.Kesavarapadu (v), Karamchedu (M), Prakasam District.
3 S.Subba Rao, S/o.Narahari,
R/o.Kodavalivaripalem, Karamchedu (M), Prakasam District.
4 K.Ramaiah Chowdary, S/o.Venkateswarlu,
R/o.Kodavalivaripalem, Karamchedu (M), Prakasam District.

..... PETITIONER(S)

AND

1 Asst.Commissioner of Endowments, Ongole, Prakasam district.
2 The Manager , Karmachedu Group Temples, Endowments Dept, Karamchedu (V), Karmchedu (M),
Prakasam District.
3 The Manager, Ura Tank, Kesavarapadu , Karamchedu (M) Prakasam district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in notifying auction of the leasehold rights in respect of land held by the petitioners in Sy.No.15 of Kesavarapadu Village, Karamchedu Mandal during subsistence of their lease and without deciding their claim for landless poor status as contemplated u/s.82 of A.P. Charitable and Hindu Religious Institutions and Endowments Act and A.P. Charitable and Hindu Religious Institutions and endowments Lease of Agricultural Lands Rules 2003 is illegal, irregular, and Violative of the said Act and the rules and violative of Articles 14 and 21 of the Constitution of India and consequently direct the

respondents to continue the petitioners in the possession of the said lands until their claim for landless poor status is decided following due process of law under the said rules and pass such other order or orders.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.1: MR.I.INDRANI

Counsel for respondents 2 & 3: None apeared

The Court made the following :

O R D E R

The petitioners claim to be landless poor persons, who have been in possession of agricultural lands on leasehold rights in Sy.No. 15 of Kesavarapadu Village, belonging to Karamchedu Group Temples, Karamchedu village and mandal, Prakasham District. While so, the petitioners assert, the respondents have proclaimed in the village in the last week of May, 2005 that the leasehold rights of the lands would be auctioned on 8-6-2005. Thereupon, claim the petitioners, they approached the respondents, and orally requested them not to conduct the auction of leasehold rights, as they are the continuing tenants in possession and enjoyment of the lands, and requested for declaration as landless poor persons for extension of the benefits under Section 82 of the A.P. Charitable and Hindu Religious Endowments Act, 1987, and the relevant Rules thereunder.

The oral representations of the petitioners, not having been responded to, and apprehending that the respondents would proceed with the auction of the leasehold rights of the lands leased out to them, resulting in their dispossession at a future point of time, the petitioners have filed this Writ Petition. Admittedly, no written representation was made by the petitioners to the respondents. The respondents exercise statutory powers under the Act and Rules and it would not be proper or apposite for them to deal with oral representations as are claimed to have been made by the petitioners.

In the aforesaid circumstances, the Writ Petition is disposed of according liberty to the petitioners to make written representations to the respondents setting out whatever claims they have for the benefits under the Act and the

relevant Rules. As and when such written representations are made, the same shall be considered by the respondents or by the competent authority, to whom such representations are made, in accordance with law and expeditiously. There shall be no order as to costs.

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7TH JUNE, 2005

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To

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2 The Manager , Karmachedu Group Temples, Endowments Dept,

Karamchedu (V), Karmchedu (M),
Prakasam District.
3 The Manager, Ura Tank, Kesavarapadu , Karamchedu (M) Prakasam

district.

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THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No.11850 of 2005

Dated: 7th June, 2005